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2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

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6 PETER MUNOZ, JR.,

7 Plaintiff,

8 vs.

9 STATE OF NEVADA, *et al.*,

10 Defendants.

Case No. 2:13-cv-1269-JCM-VCF

**ORDER AND**  
**REPORT & RECOMMENDATION**

11 Before the court is Peter Munoz's application to proceed *in forma pauperis* (#3) and complaint  
12 (#1). For the reasons stated below, Munoz's application is granted and his complaint should be  
13 dismissed with prejudice.

14 Pursuant to 28 U.S.C. § 1915(a), a plaintiff may proceed *in forma pauperis* when payment of  
15 filing fees would prohibit that plaintiff from commencing a civil action or appealing a civil or criminal  
16 action. 28 U.S.C. § 1915(a)(4). Here, Plaintiff Munoz's application to proceed *in forma pauperis* states  
17 that he has been unemployed since September 2013, is impecunious, and has no assets. (*See* Doc. #3).  
18 Accordingly, Munoz's application to proceed *in forma pauperis* is granted.

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20 However, the court must dismiss Munoz's complaint with prejudice. When an application to  
21 proceed *in forma pauperis* is granted, the court must screen the complaint to determine if it should be  
22 dismissed. *See* 28 U.S.C. § 1915(e)(2). Federal courts have the authority to dismiss the action if the  
23 action "is frivolous or malicious; . . . fails to state a claim on which relief may be granted; . . . or seeks  
24 monetary relief against a defendant who is immune from such relief." *Id.*  
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1 Here, Munoz's complaint asks the court to review a decision by the Supreme Court of Nevada.  
2 In fact, Munoz's "complaint" is a collection of documents from the Supreme Court of Nevada stating  
3 that Munoz's state-court action ended in favor of the State of Nevada. Munoz simply compiled the  
4 documents and wrote "United States District Court District of Nevada" at the top. This is insufficient.  
5 "[A] United States District Court has no authority to review final judgments of a state court in judicial  
6 proceedings." *Dist. of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482, 103 S.Ct. 1303, 1315,  
7 75 L.Ed.2d 206 (1983). At this stage, Munoz's only source of review is the United States Supreme  
8 Court.

9 ACCORDINGLY, and for good cause shown,

10 **ORDER**

11 IT IS ORDERED that Peter Munoz's application to proceed *in forma pauperis* (#3) is  
12 GRANTED.

13 IT IS FURTHER ORDERED that the Peter Munoz is permitted to maintain the action to  
14 conclusion without the necessity of prepayment of any additional fees, costs, or security. This order  
15 granting *in forma pauperis* status does not extend to the issuance of subpoenas at government expense.

16 IT IS FURTHER ORDERED that the Clerk of Court file Munoz's complaint (#1).

17 **RECOMMENDATION**

18 IT IS RECOMMENDED that Munoz's complaint (#1) be DISMISSED WITH PREJUDICE.


19 **NOTICE**

20 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and  
21 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk  
22 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal  
23 may determine that an appeal has been waived due to the failure to file objections within the specified  
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1 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file  
2 objections within the specified time and (2) failure to properly address and brief the objectionable issues  
3 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the  
4 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*  
5 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

6 Pursuant to Local Special Rule 2-2, the Plaintiff must immediately file written notification with  
7 the court of any change of address. The notification must include proof of service upon each opposing  
8 party of the party's attorney. **Failure to comply with this Rule may result in dismissal of the action.**  
9 *See* LSR 2-2 (emphasis added).

10 DATED this 5th day of June, 2014.

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13 CAM FERENBACH  
14 UNITED STATES MAGISTRATE JUDGE  
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